

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

GUNNAR JAMES EBERT

Case No. 1:24-mj-628

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Erinn Tobin, being duly sworn, do hereby state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint against Gunnar James Ebert (EBERT), date of birth xx/xx/1997,¹ for a violation of Title 18, United States Code, Sections 922(g)(3), Drug User in Possession of Firearms.

2. I am a Special Agent of the Federal Bureau of Investigation (“FBI”). I have been employed by the FBI since December of 2021. Since October of 2022, I have been assigned to the Joint Terrorism Task Force of the FBI’s Minneapolis Division. In this capacity, I investigate, among other things, criminal cases relating to domestic terrorism, such as allegations of illegal firearm possession. In addition to my on-the-job experience, the FBI has provided me with extensive training in domestic terrorism and the techniques used to investigate allegations of domestic terrorism.

¹ I have partially redacted his date of birth pursuant to local rules of this Court. His full dates of birth are known to me and will be made available to the Court on request.

3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents and computer records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe EBERT has committed the charged offense.

PROBABLE CAUSE

2023 – Telegram Activity

5. On June 24, 2023, the FBI received a tip from a partner agency that Telegram user “Goober Waffen” wrote several posts supporting mass shooters in the Telegram channel, “NacionalistWorld.” On June 23, 2023, Goober Waffen posted a picture of a man in uniform with the caption, “If I ever do something out of pocket, I need you boys to make sure this is one of the pictures the[y] sent to the news media.” *See Figure 1.* The Department of Defense (DoD) matched the Telegram photo to Gunnar James EBERT. The DoD also provided a photo of EBERT. *See Figure 2.*

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Figure 1



Figure 2

6. In a post from June 7, 2023, Goober Waffen wrote, “If it’s any consolation; the name and pictures associated with my account are my real name and face lol.”

7. Upon receiving the tip, federal agents reviewed several hundred Telegram posts written by EBERT from June to August 2023. These included the following:

- a. On June 17, 2023, EBERT described his arsenal of firearms, writing, “I got an DPMS Panther Arms 20” Bull Barrel; it fucks ... but the AR is my fav. I

got a 243 Winchester and a .22lr, a couple shotguns and a variety of handguns, and one Hi Point .45 Carbine that I love.” EBERT added, “I have a 3D printer too, once I configure it right I wanna start trying to print guns too.” EBERT also discussed “writing up my rifle like the saints.”²

- b. On August 5, 2023, EBERT posted a picture of an assault rifle with the caption, “Ole girl.” *See Figure 3*. Another Telegram user responded, sharing a photo of a black rifle with white writing on it and comparing it to that of EBERT’s. EBERT responded that he does not know what he would write on his. *See Figure 4*.



Figure 3



Figure 4

² “Writing up my rifle” pays homage to Brenton Tarrant, who used white marker to write white supremacy symbols and the names of infamous killers on his rifle before committing the Christchurch, New Zealand mosque shootings in 2019 that resulted in the deaths of 51 people and the wounding of dozens more.

2024– Interview by FBI Agents

8. On July 13, 2024, your affiant and FBI Task Force Officer Steven Takacs interviewed EBERT about his Telegram posts during his military drill. The interviewing agents informed EBERT that the interview was voluntary, that he was not being ordered to speak to agents, and that he was free to leave at any time. Upon being informed of the identity of the interviewing agents and the nature of the interview, EBERT provided the following information as it relates to this criminal complaint. EBERT stated he had previously experimented with other drugs, but marijuana is what he did daily during the time he was suspended³ from the Army.

2024 – Review of Army Medical Records

9. On September 9, 2024, federal agents received a copy of EBERT’s military medical records from the U.S. Army Criminal Investigative Division. The records indicate that on September 24, 2021, EBERT had been seen for homicidal ideations at the William Beaumont Army Medical Center in El Paso, TX. The provider noted the following as it relates to this criminal complaint: “He does go hunting and attends ranges he has 5 weapons back home.” The records go on to note his access to lethal means or weapons is “at HOR [home of record, that is in Dickinson, ND] wife has key.”

³On September 3, 2021, EBERT reported to Fort Bliss, TX for active-duty training in preparation for deployment. At this time, EBERT refused to take the COVID-19 vaccine, a requirement to deploy. This resulted in EBERT being disqualified from the deployment and ordered home until a decision was made regarding his continued service. Later that month, EBERT was issued a letter of reprimand and permitted to return to reserve drill.

10. On September 25, 2024, in response to legal process, federal agents received a copy of medical records related to EBERT's September 2021 stay at the Rio Vista Behavioral Health Hospital in El Paso. Those records indicate that on September 20, 2021, a psychiatric evaluation of EBERT was conducted. EBERT told the provider that he uses marijuana most days to "self-medicate."

Additional History of Marijuana Use

11. In response to legal process, federal agents received bank transaction history associated with EBERT's primary checking account from January 1, 2022, to April 22, 2024. Review of purchase history identified the following purchases made by EBERT:

- a. On May 30, 2023, EBERT made a purchase of \$115.57 at Bloom Weed Dispensary Sidney, a marijuana dispensary located in Sydney, Montana.
- b. On May 30, 2023, EBERT made a purchase of \$189.61 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- c. On March 27, 2023, EBERT made a purchase of \$92.64 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- d. On September 26, 2022, EBERT made a purchase of \$314.50 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.
- e. On September 9, 2022, EBERT made purchases totaling \$260.40 at Seed of Life Labs, a marijuana dispensary located in Glendive, Montana.

12. On October 1, 2024, federal agents were notified by EBERT's U.S. Army command that EBERT failed his September 15, 2024 urinalysis test. EBERT's test results

came back positive for THC.⁴

Search Warrant

13. On October 8, 2024, during the execution of a search warrant at EBERT's residence in Dickinson, ND, federal agents found and seized these 10 firearms:

- a. Hi-Point, Model C9, 9mm pistol, serial number P10154935;
- b. DPMS, Model A-15, .223 caliber rifle, SN FH75103;
- c. Hi-Point, Model 4595, .45 caliber rifle, SN R62999;
- d. Marlin, Model 25M, .22 caliber rifle, SN 16658832;
- e. Glock, Model 22, .40 caliber pistol, SN GPS042;
- f. Howa, Model 1500, .243 caliber rifle, SN B163500;
- g. Remington, Model 870 Wingmaster, 12-ga. shotgun, SN 102522V;
- h. Bearman, Model BBG 38, .38 caliber pistol, SN BT049161;
- i. Mossberg, Model 505, 20-ga. shotgun, SN UO70934; and
- j. SIG Sauer, Model P226, 9mm pistol, SN U641844.

14. On October 8, 2024, EBERT admitted to federal agents that he had regularly used marijuana and his last use of marijuana was approximately two weeks prior to his military drill on or about September 15, 2024.

15. On October 8, 2024, Bureau of Alcohol, Tobacco, Firearms, and Explosives Special Agent Jeremy Schmidt conducted an examination of the above firearms found and seized during the search warrant execution. Special Agent Schmidt determined that


⁴ Tetrahydrocannabinol, or THC, is the principal psychoactive compound in cannabis; marijuana refers to parts of or products of cannabis containing substantial THC amounts.

each met the definition of a firearm under Title 18, United States Code, Section 921(a)(3) and was manufactured outside of North Dakota thus affecting commerce.

CONCLUSION

16. Based on the aforementioned facts and my training, experience, and knowledge, there is probable cause to believe that EBERT has violated Title 18, United States Code, Section 922(g)(3), Drug User in Possession of Firearms.

Respectfully submitted,



Erinn Tobin
Special Agent
Federal Bureau of Investigation

Sworn to [XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX] [by reliable electronic means] this 8th day of October, 2024.



Charles S. Miller Jr.
United States Magistrate Judge